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representatives of the Commons, or, at any rate, the burgesses, never intermixed with them. It could have mattered but little whether the Commons, who in the early stages of Parliament appear chiefly as petitioners, formulated their petitions at the bottom of a hall, while the Lords were at the top, or in one chamber or building, while the Lords were in another. No wall could make the two bodies more distinct than they already were in nature.

I believe that this question has more importance than Mr. Pike ascribes to it, and that more light will be thrown upon it by future investigation.

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Select Statutes and other Constitutional Documents illustrative of the reigns of Elizabeth and James I. Edited by G. W. PROTHERO, Fellow of King's College, Cambridge. Oxford, at the Clarendon Press; New York, Macmillan & Co., 1894. — 464 pp.

In looking over Professor Prothero's work one wonders that it has not been done before—an indication that the book has an obvious place to fill. The volumes of Stubbs and Gardiner have left untouched the periods from Edward I to Charles I and from Charles II to our own time. The present volume fills an important portion of one of these gaps, and no doubt we shall soon see the documentary narrative completed.

Mr. Prothero has done his work with great care. He not only gives official documents but also quotes the political and ecclesiastical writers whose opinions are likely to throw light upon the development of the constitution. In this respect his work is more comprehensive than that of either Stubbs or Gardiner, and it will save the student of the reigns of Elizabeth and James much weary searching amongst scattered material.

Ecclesiastical matters play a great part in the constitutional history of the time. Henry VIII had already been "king with the Pope in his belly," and his daughter claimed every prerogative of her father. In politics she asserted that the Parliament "should do well to meddle with no matters of state but such as should be propounded unto them" (page 119). In religion she expressed in vigorous terms her resolve not only to crush Romanism, but also not to tolerate "new-fangledness" (page 222). This latter determination was full of ill omen to the Puritans, and readers upon this side of the Atlantic will be interested especially in this struggle. The reign of Elizabeth

is indeed the most vital in the whole of English history to the religious life of the nation. Henry VIII might break with the Pope and crush the monasteries, but Mary could still restore Catholicism. It was really under Elizabeth that the decisive struggle took place. No character has suffered more than hers from the rigor of modern historical inquiry. Yet one doubts if she can have been the vacillating woman that she is now pictured when one sees with what unchanging severity she tried to crush the Puritans and that it was probably her personal influence that saved Episcopacy. It was she who urged on Whitgift to the congenial task of harrying the sectaries. Says Camden :

Huic [Whitgift] Regina (quae ut in politicis, ita et in legibus ecclesiasticis nihil unquam laxandum censuit) mandavit, ut ante omnia disciplinam ecclesiae Anglicanae et uniformitatem in sacris autoritate parliamentaria sancitam restauraret [page 210].

The Puritans could not escape either in England or from England until the laxer days of James, when some of them got away to the religious toleration that Holland offered, and ultimately to America. It would indeed have required great magnanimity to allow them any measure of liberty in England. When the Court of High Commission, with the authority of an act of Parliament behind it, was enforcing the bishops' jurisdiction, Chark, a Puritan clergyman, said publicly in St. Mary's at Cambridge: "Isti status episcopatus, archiepiscopatus, metropolitanus, patriarchatus . . . a Satana in ecclesiam introducti sunt" (page 197). Vigorous language was a characteristic of the time. Peter Wentworth complained in the Commons that imperious messages from the queen and rumors of her displeasure scared members from their duty. Then he burst out: "I would to God, Mr. Speaker, that these two were burned in Hell,—I mean rumors and messages" (page 120). Freedom of speech in Parliament was, as Mr. Prothero says, "a very modern institution in the time of Elizabeth" (page lxxxvii), but it was under the arbitrary Tudors that this and freedom of access and freedom from arrest became constitutional rights of the Commons.

The reign of Elizabeth is more important than that of James, and the interest of the latter is obscured by the intenser struggle of the succeeding period. Although the conflict between a claimed royal prerogative and constitutional liberty had already become acute, a real colonial movement as compared with the adventurous voyages under Elizabeth is the momentous feature of the reign of James. No doubt Mr. Prothero felt that the patents to the London and

Plymouth Companies in 1606 lay outside of his special field. Yet they were of vast moment to England and might well have found a place in the volume, if only in view of the later question whether the colonies were subject to the Parliament or only to the crown. It was surely, too, not unimportant to the government of England that a few years earlier the East India Company was organized, which was to add conquered kingdoms to the English empire. Yet Mr. Prothero gives no documents relating to these things.

The "Introduction" of one hundred and twenty-five pages is a reasoned account of the purport of the volume. The relations between the monarch and the people and between church and state, the functions of Parliament, the executive, the judicature, the army and navy and the prerogative all come under review. Sometimes the statements are a little too sweeping. "Had Elizabeth died before 1587, the disasters of the fifteenth century would inevitably have recurred" (page xviii). "The German Protestants once subdued and the Emperor's authority reëstablished, an attack on Holland and the northern powers must have followed" (page xxvii). "Had they [France and Spain] combined their forces, nothing could have saved English independence" (page xix). One is reminded of Mr. Lowell's hero: "He wrote no poem but if he did, he would have been . . ." Two of the predictions might have been fulfilled; the third is scarcely possible; but it is, in any case, gratuitous for the historian to assume the rôle of prophet. Mr. Prothero seems to think that the fervent expressions of the last act granting taxes to Elizabeth show a deep affection for her person. But we do not look for truth in addresses to despotic sovereigns, and there is sufficient evidence to prove that the nation had outgrown the Tudor system of rule and was chafing under it.

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